

REMARKS

Claims 1-22 were presented for examination. Claims 1-22 were rejected.

Claims 1-22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office stated the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In response, Applicant contends that the Office has transformed a provider of services to an internet provider which is not the case. Claim 1 recites the use of any provider of services, a broadening of the thought of service provider as the provider of services. Therefore, Claims 1-22 should be in allowable form.

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office stated that the term “small” in claim 8 is a relative term which renders the claim indefinite because the term “small” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In response, Claim 8 has been amended to indicate the emphasis on a closed, or limited, set, a broadening of the claim. Therefore, claim 8 should be in allowable form.

Claims 1, 3, 4, 5, 7, 9, 13, 15, 16, 17, 18, 19, 20, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the anonymous article, “What’s in a Name Change? OfficeTempo Becomes Semprio,” hereinafter “Semprio,” in view of Vigoroso (“E-commerce Tackles Direct Production”) and official notice. In response, applicant respectfully disagrees with the Office. The Office views Semprio as providing enough information relative to third party aggregation of

purchasing such that any proposed system, architecture, or business process for managing and organizing this activity would fail to qualify for a patent. Claim 1 contains critical elements of an integrated business process (elements A through J) which when the elements are integrated (combined) create the management infrastructure necessary to create and support the business process which will enable suppliers of goods and services to interact with customers desirous of the goods or services in a tightly controlled and constrained environment that is necessary (for both the customers as well as suppliers) to derive the benefits of the invention. The proposed invention is not merely adding a payment mechanism to Semprio and bundling orders. The proper integration of Claim 1 (elements A through J) creates a best in class independent procurement organization. Only by applying this integrated rules based methodology, the applicant becomes uniquely structured to provide significant benefit to independent unrelated and unaffiliated parties (both customers and suppliers). For the Office to point to any one of these elements and cite that element in isolation as being obvious and thus providing a basis for the setting aside of claim 1 is hindsight. Therefore, claim 1 should be in allowable form. Therefore, claims 3, 4, 5, 7, 9, 13, 15, 16, 17, 18, 19, 20, 21, and 22 all of which are based on claim 1 should be in allowable form.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over “Semprio,” Vigoroso, and official notice as applied to Claim 1 above, and further in view of Baljko (“Teledeal Web Site Acts as Buying Collective”). In response, the “official notice” is inapplicable because the art is inapplicable to show all the elements of claim 1. Therefore, claim 2 should be in allowable form.

Claims 6, 8, 10, 11 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Semprio,” Vigoroso, and official notice as applied to Claim 1 above, and further in view of U.S. Patent Application Publication No. 2002/0087349 to Wong. In response, the use of Wong is

inapplicable. Applicant filed on June 26, 2003 less than one year from the publication of Wong on July 4, 2002. Further, claims 6, 8, 10, 11 and 14 are allowable for the same reasons as claim 2. Therefore, Claims 6, 8, 10, 11 and 14 should be in allowable form.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over “Semprio,” Vigoroso, and official notice as applied to Claim 1 above, and further in view of U.S. Patent Application Publication No. 2002/0087349 to Wong and U.S. Patent No. 6,182,052 to Fulton *et al.* In response, claim 12 is allowable for the same reasons as claims 2, 6, 9, 10, 11 and 14. Therefore, Claim 12 should be in allowable form.

In commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and applicant’s present invention have been made by applicant. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant’s invention to be unobvious in view of the prior art.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences which applicant's attorney chooses to mention at this time.

Reconsideration of the application as amended and allowance thereof is requested.

The Commissioner is authorized to charge the petition fee of \$ 510.00 to Deposit Account No. 50-2413 of Adams and Reese, LLP. The Commissioner is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2413 of Adams and Reese, LLP.

Please send all future correspondence regarding the above-referenced application to the undersigned at the address appearing below.

Respectfully submitted,



David M. Ostfeld, Reg. No. 27,827
Attorney for Applicant
Adams and Reese LLP
4400 One Houston Center
1221 McKinney
Houston, Texas 77010
Tel: (713) 308-0128
Fax: (713) 652-5152